

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed June 15, 2005. Claims 1-30 were pending in the Application prior to the outstanding Office Action. Claims 1, 4-6, 9-12, 17, 20, 24, 26 and 27 are being amended, and claims 3 and 13-16 are being canceled. Claims 1, 2, 4-12 and 17-30 remain for the Examiner's consideration, with claims 1, 9, 17 and 24 being independent. Reconsideration and withdrawal of the rejections are respectfully requested.

I. DOUBLE PATENTING

Claims 1 and 24 were provisionally rejected under the judicially created doctrine of double patenting as being unpatentable over claims 1 and 3-6 of co-pending U.S. Application No. 09/740,487. As shown above, and discussed below, Applicants have amended claims 1 and 24. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn in view of the amendments.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 101

Claims 17-23 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. While Applicants do not agree with this rejection, to expedite issuance of a patent Applicants have amended the preamble of claim 17 to recite a "computer implemented method" as recommended by the Examiner.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the 101 rejection.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-30 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,549,936 to Hirabayashi (hereafter "Hirabayashi") in view of U.S. Patent No. 6,112,225 to Kraft et al. (hereafter "Kraft").

Claims 1, 9, 13, 17 and 24 were also rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,826,753 to Dageville et al. (hereafter "Dageville"), in view of Kraft.

IV. DISCUSSION OF CLAIMS

A. Claims 1-8

Claim 1 has been amended to include details of the "idle assignment signal" which is sent from the assigning part to service providers for which a task is not available. More specifically, claim 1 as amended states that "the assigning part sends an idle assignment signal to each service provider from which the request work signal is received but for which there is not a task available, the idle signal informing the service provider to not send further request work signals until the service provider receives a work available signal."

Discussion of the idle assignment signal begins on page 24 at line 16. As explained on page 25, beginning at line 10, the idle assignment feature reduces the time and costs associated with the service provider repeatedly sending request work messages to a job management apparatus having no tasks available to delegate to the service provider.

Hirabayashi, Kraft and Dageville, alone or in combination, do not teach or suggest the use of an idle assignment signal as claimed in claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 103 rejection of independent claim 1.

Applicants note that Kraft does discuss something called an "idle time activation program", e.g., in columns 8 and 9. However, the "idle time activation program" of Kraft is completely different than the "idle assignment signal" of the invention of claim 1. More specifically, the "idle time activation program" of Kraft is a program that causes a peripheral computer 106 to send a message to a coordinating computer 102, informing the coordinating computer that the peripheral computer is idle, and thus available to perform a subtask. In contrast, the "idle assignment signal" of claim 1 is a signal that is sent from an assigning part to a service provider that is available to perform work, but for which appropriate work is not presently available, as explained above. More specifically, as explained above, the "idle assignment signal" of claim 1 informs the service provider to not send further request work signals (to the assigning part) until the service provider receives a work available signal.

Claims 2-8 are believed to be patentable for at least the reason that they depend from claim 1, as well as for the additional features that they add to claim 1. For example, **claim 5** is discussed below.

Claim 5 specifically requires that "the work request signal specifies a minimum frequency at which the status report signal will be sent to the contact part." Claim 5 depends from claim 4, which depends from claim 1. Claim 5 requires that the "work request signal" specifies a minimum frequency at which a service provider will send a "status update signal" to the contact part. Claim 4 specifies that the "status update signal" updates the status of the task being performed by the service provider. Claim 1 specifies that this "work request signal" is received by an assigning part from a service provider that is available to perform work. So, in summary, claim 5 requires that the work request signal (received from a service provider), also includes the minimum frequency at which the service provider (to which the task is delegated) will update the status of the task. As explained on page 22, beginning at line 8, this enables the contact part to know when to expect "status update signals". By knowing this minimum frequency, the contact part can determine when there may have been a malfunction with a service provider because a "status update signal" was not received from the service provider within the minimum frequency. The contact part can then take appropriate action (e.g., check on status and/or reassign task to another service provider).

It was alleged in the Office Action that column 3, lines 13-14 of Hirabayashi teaches the features of claim 5. This portion of Hirabayashi merely states that an executing instruction for a script to be executed first is included in a request data stream. This is clearly different than the requirements of claim 5. Accordingly, for this additional reason, Applicants respectfully request that the rejection of claim 5, and claim 6 which depends from claim 5, be reconsidered and withdrawn.

B. Claims 9-12

Independent **claim 9** has been amended to specifically recite that there are "a plurality of provider managers, each in communication with the job management apparatus and in communication with a corresponding subset of the plurality of service providers which monitors the tasks being performed on the service providers and provides status information to the job management apparatus." This is shown in FIG. 2 of the present application. In this arrangement, a first provider manager (e.g., Provider Manager A labeled 214 in FIG. 2) can communicate with and monitor a first subset of service providers (labeled 206a - 206c in FIG. 2) that perform similar functions to one another, while a second provider manager (e.g., Provider Manager B labeled 216 in FIG. 2) communicates with and monitors a second subset of the service providers (labeled 208a - 208c in FIG. 2) that perform similar functions to one another (but whose functions are not similar to the functions performed by the first subset of service providers). Thus the system of claim 2 provides for more distributed processing, which should reduce the likelihood of backlogs of work developing (see page 15, line 16 - page 16, line 2 of the present application). This is different than what is disclosed in Kraft, where it is clear that there is only a single result manager 216 that communicates with all of the peripheral computers 106. Additionally, in Kraft the result manager is part of the coordinating computer. In contrast, in claim 9, the providing managers are separate from the job management apparatus, as can be seen in FIG. 2 of the present application.

For at least the above reasons, Applicants respectfully request that the 103(a) rejection of claim 9, and its dependent **claims 10-12** be reconsidered and withdrawn. Additionally, Applicants believe that dependent **claims 10-12** should be allowable for the features that they add, as explained below.

Claim 10 has been amended to better distinguish its features from the prior art. Claim 10, as amended, now reads "wherein a said provider manager in response to a request to increase capacity from the job management apparatus assigns additional service providers to receive tasks from the job management apparatus." It was alleged in the Office Action that the features of claim 10 (prior to the amendment) are disclosed at column 7, lines 29-43 of Kraft. However, this portion of Kraft explains how the task

scheduler 214 waits until a subtask request is received from a requesting peripheral computer 106 before it assigns a task to the peripheral computer 106. There is no teaching or suggestion in Kraft that its task scheduler 214 can receive a request to increase capacity, nor how it would respond to such a request. Accordingly, claim 10 as amended is believed to be allowable over the applied references.

Claim 11 as amended reads "wherein if a said service provider fails to complete its assigned task within a predetermined time, the corresponding provider manager communicates with the service provider, and informs the job management apparatus of the task status in response to the communication with the service provider." It was alleged in the Office Action that this feature is disclosed at column 11, lines 48-51 of Hirabayashi. This portion of Hirabayashi merely explains that a request analyzing unit can inquire about the state of a registered job. However, there is no discussion in Hirabayashi of something occurring "if a service provider fails to complete its assigned task within a predetermined time". Also, there is no discussion in Hirabayashi that a provider managers communicates with the service provider (that has failed to complete its assigned task within a predetermined time) so that the provider manager can inform the job management apparatus of the task status. Accordingly, claim 11 as amended is believed to be allowable over the applied references.

Claim 12 as amended states "wherein a said provider manager informs the service provider performing the task to terminate performance of the task in response to a signal received from said job management apparatus." It was alleged that column 8, lines 13-16 of Hirabayashi teaches the features of claim 12. This portion of Hirabayashi merely explains that a "close" is executed to terminate a communications sequence. However, a communications sequence is not the same as "performance of a task". Rather, the communications sequence being discussed in Hirabayashi deals with the specific calls, at the system call level, that are used to set up communication between a client and server. Thus, terminating a "communications sequence" (as discussed in Hirabayashi) is not the same as terminating performance of a task, as required by claim 12. Further, Hirabayashi does not teach or suggest that a service provider is informed to terminate performance of

a task in response to a signal received from a job management apparatus. Accordingly, claim 11 as amended is believed to be allowable over the applied references.

D. Claims 17-23

Independent claim 17 has been amended to include the steps of "sending an idle assignment signal to each service provider from which the request work signal is received but for which there is not a task available, the idle signal informing the service provider to not send further request work signals until the service provider receives a work available signal; and sending a work available signal to each service provider that was previously sent the idle assignment signal but for which a task is available." For similar reasons to those discussed above with regards to claim 1 and its dependent claims, Applicants assert that claim 17, and its dependent claims 18-23 are patentable over the applied references.

E. Claims 24-30

Independent claim 24 has been amended to state that "the assigning software component sends an idle assignment signal to each service provider that sent a request work signal but for which there is not a task available, the idle signal instructing the service provider to not send further request work signals until the service provider receives a work available signal." For similar reasons to those discussed above with regards to claim 1 and its dependent claims, Applicants assert that claim 24, and its dependent claims 25-30 are patentable over the applied references.

V. CONCLUSION

In light of the above, it is respectfully requested that all outstanding rejections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

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